THE HON'BLE Mr. JUSTICE V. ESWARAIAH

Writ Petition No.2594 of 2006

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Dated: February 13, 2006

Between:

Thogari Rajeshwar Rao @ Rajeshwar
@ Rajaiah, S/o. Rajamallu,
aged 55 years, R/o. Kaniparthi Village,
Kamalapur Mandal,
Karimnagar District.

… Petitioner

And

The Revenue Divisional Officer, Karimnagar,
Karimnagar District, and another.

… Respondents

Order:

The petitioner questions the order of the second respondent dated 19-07-2005 in exercise of powers vested in him under Section 3 (1) of the A.P. Assigned Lands (Prohibition of Transfer) Act, 1977 (for short 'the Act'), assigning an extent of Ac.9.39 cents in Sy.No.503 of Kaniparthi village, Kamalapur Mandal, to the Government and in directing the Mandal Revenue Inspector to take over the possession of the said land.

2. Originally, an extent of Ac.11.39 guntas in Sy.No.503 of Kaniparthi village, was assigned in favour of one Mr. Manda Rajamallu and out of the said land, an extent of Ac.9.39 guntas was sold in favour of the petitioner. The petitioner obtained a decree in O.S.No.41 of 1974 dated 27-04-1974 and the said land is in occupation of the petitioner. After issuing notice and after making enquiry, it was found that the Sale Certificate issued in favour of the petitioner is illegal and contrary to the provisions of the Act.

3. Admittedly, against the impugned order, petitioner has a right of appeal to the Revenue Divisional Officer under Section 4(A) of the Act. It is stated that the petitioner filed an appeal in October, 2005 along with an application to grant stay.

4. I am not inclined to express any opinion on the merits of the case. Having regard to the facts and circumstances of the case, the first respondent, the Revenue Divisional Officer, Karimnagar, is directed to consider and dispose of the appeal, if any, filed and pending before him, within a period of six weeks from the date of receipt of a copy of this order, after giving reasonable opportunity of hearing, in accordance with law. Till then, the petitioner shall not dispossessed. If there is no appeal pending, it is open for the respondents to take appropriate action in accordance with law.

5. The writ petition is accordingly disposed of at the admission stage.

V. ESWARAIAH, J.

February 13, 2006

N.B. **Furnish copy in two days**

B/o

MRR